

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1-19 remain active in the application subsequent to entry of this Amendment.

Claim 1 above is amended to require that each of the non-conductive films has a thickness of 500 nm to 1500 nm. The basis for this amendment can be found in the International Publication on page 3, lines 1-2. This Amendment directly counters the Examiner's comments in items 46-48 in the Response to Arguments section of the Office Action. This Amendment renders the present invention novel over the prior art for the following reasons.

Biornard does not teach using non-conductive films with a thickness of 500-1500 nm. Instead, the maximum thickness for a non-conductive film is 82.2 nm (Biornard, column 10, Table 6). Moreover, Bioarnard teaches in column 7, line 63 to column 8, line 3 that the thickness of the non-conductive films is about one-quarter wavelength at a wavelength between 480 and 560. Thus, the non-conductive film of Biornard would maximally be 140 nm.

Kaneko et al. teaches in the example an anti-reflective layer consisting of a first non-conductive layer having a thickness of 116 nm, a conductive layer having a thickness of 52 nm, and a second non-conductive layer having a thickness of 228 nm (Kaneko et al., column 5, Table 1). There is no disclosure of a coating according to the present invention, wherein the thickness of each non-conductive film is in the range of 500-1500 nm.

Since none of the cited prior art documents even suggest that it is possible to use non-conductive films each having a thickness range of 500-1500 nm, it follows that the present invention is also non-obvious. Moreover, the example of the present application demonstrates that a coating according to the invention considerably increases the thermal emissivity of a solar cell from a value of 17% without the coating to a value of 79% when the coating has been applied to the solar cell. Thus, the coating increases the thermal emissivity of the solar cell by approximately five times.

None of the cited prior art even mentions that the coating described therein may have an effect on thermal emissivity. Biornard, for instance, relates to an anti-reflective coating and as such only relates to emission of light (see, e.g., column 1, lines 12-17 and column 4, lines 17-24), rather than thermal emission. The same argument applies to Kaneko et al. (see, e.g. column 2, lines 10-18 and lines 56-60).

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Appl. No. 10/563,862

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A person skilled in the art seeking improved thermal emissivity would, on the basis of the cited prior art, not have an incentive to increase the layer thickness of each non-conductive layer to 500-1500 nm. In particular, the skilled person would have absolutely no expectation of success in arriving at a coating that would significantly increase the thermal emissivity of an article on which the coating is applied, simply because the cited prior art is silent with respect to thermal emissivity. A determination of *prima facie* obviousness requires a reasonable expectation of success. See, *In re Rineheart*, 189 USPQ 143, 148 (C.C.P.A. 1976).

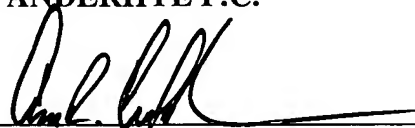
In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Respectfully submitted,

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